

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MARILYN POWELL COOK,)	
)	
Plaintiff,)	
)	No. 3:13-CV-625
v.)	(VARLAN/GUYTON)
)	
DR. CHARLES B. COOK, <i>et al.</i>)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(b) and the Rules of this Court for consideration of Plaintiff's Motion and Application to Proceed *In Forma Pauperis* on Appeal.

On October 23, 2013, the undersigned considered Plaintiff's Motion and Application to Proceed *In Forma Pauperis* in this Court, and found that the Plaintiff's Complaint did not assert a federal cause of action and failed to allege federal jurisdiction. Instead, the Complaint appeared to assert claims under state law, which were not properly before the Court. Accordingly, the undersigned issued a Report and Recommendation [Doc. 4], recommending that the Plaintiff's Complaint be dismissed. Further, the undersigned recommended that the Chief District Judge consider placing a bar on further filings of civil lawsuits by the Plaintiff. In so recommending, the undersigned noted that the Plaintiff had filed eighteen (18) *pro se* civil actions, none of which had been adjudicated to be meritorious.

On November 15, 2013, the Chief District Judge adopted the Report and Recommendation and ordered that the Plaintiff was precluded, restrained, and enjoined from

filing any new civil actions in the United States District Court for the Eastern District of Tennessee without first obtaining written certification from the Chief District Judge. [Doc. 10]. In so ruling, the Chief District Judge concurred with the findings in the Report and Recommendation and found that this case suffered from jurisdictional deficiencies that supported dismissal. [Doc. 9 at 3].

The Plaintiff now seeks leave to appeal the Court's decision *in forma pauperis*. The Court finds that the Plaintiff's Motion and Application to Proceed *In Forma Pauperis* on Appeal is not well-taken. First, the Court finds that the Plaintiff has not stated the issues that she intends to present on appeal as is required by Fed. R. Civ. P. 24(a)(1). Second, the Court finds that she has failed to state her entitlement to redress as is required by Fed. R. Civ. P. 24(a)(1). Finally, the Court finds that the Plaintiff has not included any statement or evidence that would in any way respond to or undercut either the finding by the undersigned that the Complaint in this case is deficient or the similar finding by the Chief District Judge.

Accordingly, the undersigned finds the Plaintiff's Motion and Application to Proceed *In Forma Pauperis* on Appeal [Doc. 12] is not well-taken, and it is **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge